

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRIAN K. REINBOLD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-342-GMS
	:	
NATIONAL ASSOCIATION OF LETTER	:	
CARRIERS BRANCH 1977,	:	
	:	
Defendant.	:	

BRIAN K. REINBOLD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-47-GMS
	:	
UNITED STATES POSTAL SERVICE,	:	
and NALC LOCAL 191,	:	
	:	
Defendant.	:	

**REPLY OF THE UNITED STATES POSTAL SERVICE IN RESPONSE
TO PLAINTIFF'S ANSWER TO DEFENDANTS MOTION TO DISMISS**

Plaintiff's Answer to Defendants Motion To Dismiss ("Plaintiff's Answer") (D.I.-26) fails to respond to the arguments raised in the Motion of United States Postal Service To Dismiss Or In The Alternative To Compel Rule 26(a) Disclosures by Plaintiff ("USPS' Motion") (D.I.-24). Plaintiff's Answer disputes the factual basis asserted by the National Association of Letter Carrier Branch 191 and Branch 1977 ("Union Defendants") in their Motion To Dismiss for Lack of Prosecution, or in the Alternative to Compel Discovery ("Motion to Dismiss") (D.I.-22). His succinct Answer shows what purports to be proof of service of his discovery responses on the Union Defendants.

However, Plaintiff apparently does not dispute, as asserted in the USPS' Motion and Memorandum in support thereof (D.I.-24 & D.I.-25), that he failed to serve Rule 26(a)(1) discovery on any of the three defendants, nor does he dispute the fact that he failed to serve his alleged responses to the Union Defendants' discovery on the USPS. Thus, Plaintiff remains substantially noncompliant with his discovery obligations.

Nonetheless, subject of course to Court approval, the USPS is agreeable to staying consideration of its Motion (D.I.-24) if the Court extends the discovery deadline, as requested in the USPS Motion and in the defendants' Joint Motion to Extend Discovery and to Extend the Summary Judgment Deadline. D.I.-28. In that event, the USPS requests that the due date for summary judgment motions be extended until thirty days after the rescheduled close of discovery.

Pursuant to Local Rule 16.5, attached is a certification that the undersigned has sent to the USPS a copy of this request to extend the deadline for concluding discovery and for filing summary judgment motions, and that the USPS is in agreement.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
Patricia C. Hannigan
Assistant United States Attorney
Delaware Bar I.D. No. 2145
The Nemours Building
1007 Orange Street, Suite 700
P. O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277
Patricia.Hannigan@usdoj.gov

Dated: November 22, 2005

CERTIFICATION

The undersigned certifies that she has sent a copy of this request for an extension of the deadline for completion of discovery to the United States Postal Service.

By: /s/Patricia C. Hannigan
Patricia C. Hannigan
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on **November 22, 2005**, I electronically filed a **REPLY OF THE UNITED STATES POSTAL SERVICE IN RESPONSE TO PLAINTIFF'S ANSWER TO DEFENDANTS MOTION TO DISMISS** with the Clerk of Court using CM/ECF. Notification of such filing will be electronically mailed to the following:

Susan E. Kaufman, Esquire
Heiman, Gouge & Kaufman, LLP
P.O. Box 1674
Wilmington, DE 19899
(302) 658-1800
skaufman@hgkde.com

and two copies of the foregoing **REPLY OF THE UNITED STATES POSTAL SERVICE IN RESPONSE TO PLAINTIFF'S ANSWER TO DEFENDANTS MOTION TO DISMISS**, will be mailed, via First Class U.S. Mail to the following:

Brian K. Reinbold
3909 Delaware Street
Wilmington, DE 19808
Pro Se

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
Patricia C. Hannigan
Assistant United States Attorney
Delaware Bar I.D. No. 2145
The Nemours Building
1007 Orange Street, Suite 700
P. O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277
Patricia.Hannigan@usdoj.gov